STATUTORY INSTRUMENTS

1984 No. 1984 (N.I. 14)

The Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984 [F1]

- - - - - - *19th December 1984*

F1 mod. by SR 1994/424

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984.

(2) Parts I and III and Part IV (except Article 21(1) insofar as it gives effect to Part I of Schedule 2) shall come into operation on the expiration of the period of two months from the day on which the Order is made.

[F2]Para.(3) rep. by 1998 NI 6

F2 fully exercised by SR 1989/330

General interpretation

2. The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

Part II (Arts.3#14) rep. by 1998 NI 6

PART III

MARRIAGE

Consequences of termination of engagement to marry

Engagements to marry not enforceable at law

15.—(1) An agreement between two persons to marry one another shall not have effect as a contract giving rise to legal rights and no action shall lie for breach of such an agreement whatever the law applicable to the agreement.

(2) This Article shall have effect in relation to agreements entered into before the commencement of this Article, except that it shall not affect any action begun before that commencement.

Property of engaged couples

16.—(1) Where an agreement to marry is terminated, any rule of law relating to the rights of husbands and wives in relation to property in which either or both has or have a beneficial interest shall apply in relation to any property in which either or both of the parties to the agreement had a beneficial interest while the agreement was in force, as it applies in relation to property in which a husband and wife has a beneficial interest.

(2) Where an agreement to marry is terminated, section 17 of the Married Women's Property Act 1882 and section 3 of the Law Reform (Husband and Wife) Act (Northern Ireland) 1964 (power of judge of the High Court or a county court to settle disputes between husband and wife about property) shall apply, as if the parties were married, to any dispute between them, or to any claim by one of them in relation to property in which either or both had a beneficial interest while the agreement was in force; but an application made by virtue of this Article to the judge under the said section 17, as originally enacted or as extended by the said section 3, shall be made within three years of the termination of the agreement.

Gifts between engaged couples

17.—(1) A party to an agreement to marry who make a gift of property to the other party to the agreement on the condition (express or implied) that it shall be returned if the agreement is terminated shall not be prevented from recovering the property by reason only of his having terminated the agreement.

(2) The gift of an engagement ring shall be presumed to be an absolute gift; this presumption may be rebutted by proving that the ring was given on the condition, express or implied, that it should be returned if the marriage did not take place for any reason.

Restrictions on marriage

Prohibited degrees of relationship

18.—(1) A marriage solemnized**[**F3 between a person and any person mentioned in the list in Part 1 of the following Table**]**F3, is void:

TABLE

[F3PART I[F3 Prohibited degrees of relationshipF3]]

[F3F3Adoptive childF3]

[F3Adoptive parentF3]

[F3ChildF3]

[F3Former adoptive childF3]

[F3Former adoptive parentF3]

[F3GrandparentF3]

[F3GrandchildF3]

[F3ParentF3]

[F3Parent's siblingF3]

[F3SiblingF3]

[F3Sibling's childF3]

[F3PART IIF3][F3 Degrees of affinity referred to in paragraphs (2A) and (2B)F3]

[F3Child of former civil partnerF3]

[F3Child of former spouseF3]

[F3Former civil partner of grandparentF3]

[F3Former civil partner of parentF3]

[F3Former spouse of grandparentF3]

[F3Former spouse of parentF3]

[F3Grandchild of former civil partnerF3]

[F3Grandchild of former spouseF3]

PART IIIF4...

(2) In that Table—

(a) any reference to an adoptive relationship or a former adoptive relationship is to a relationship which arises or arose in consequence of—

(i) an order authorising an adoption made (whether before or after the commencement of this Article) in any part of the United Kingdom, in the Isle of Man or in any of the Channel Islands, or